

REMARKS

This Amendment, filed in reply to the Office Action dated March 16, 2009, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-7 and 9-13 are all the claims pending in the application.

Claim Rejections under 35 U.S.C. § 112

Claims 1-12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant hereinabove amends the claims to describe the invention more particularly and to obviate the rejection. It is noted that at paragraph 7 of the rejections, the Examiner refers to claim 18. However, there is no claim 18 in this application.

Claims Rejections under 35 U.S.C. § 101

Claims 1-12 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicant hereinabove amends the claims to describe the devices comprising the system.

Claim Rejections under 35 U.S.C. § 102

Claims 1-5 are rejected under 35 U.S.C. § 102(b) as being anticipate by *Rothschild et al.* (U.S. Patent 6,678,703). Applicant respectfully submits the following arguments in traversal of the rejections.

Rothschild does not disclose or teach the features of claim 1, "an image-processing history storing unit operable to store details of image processing performed for a medical image of a patient to correspond to a name of said patient" and "an image processing unit operable to

perform image processing having details that are the same as said details of said image processing thus extracted, for said medical image newly obtained by said image acquisition unit."

The Examiner only generally relies on Figs. 1 and 9 of Rothschild to teach these features. However, Figs. 1 and 9 merely describe the process of transferring locally obtained data to central file locations. There is no discussion of any extraction of process details to correspond to a name of a patient. It is insufficient to merely obtain an image based on a patient name. Rather, claim 1 describes the image processing occurs with the same details of as that corresponding to the name. According to an exemplary embodiment of the invention, it is possible to accurately diagnose a change of disease state, because images of the same person are processed with the same image-processing parameters. Claims 2-5 are patentable based on their dependency.

Claim Rejections under 35 U.S.C. § 103

Claims 6, 7, 11-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rothschild et al. in view of Ito et al. (U.S. Patent 5,172,418). Applicant respectfully traverses the rejections as follows.

Applicant hereinabove amends claim 6 to include the features of prior claim 8. Prior claim 8 stands rejected over over Rothschild et al. in view of Ito et al. and further in view of Official Notice. However, *Ito* does not disclose the feature of claim 8. According to claim 8, it is possible to increase the diagnostic accuracy, because the image-processing parameters are determined based on the type of person, such as age, gender, height and weight. To the extent *Ito* discusses an individual patient characteristics of age and gender, there is no image processing details set based on such characteristics. Rather, in *Ito*, such information is merely part of the patient file. There is no correspondence of the processing details and type of patient. The Examiner's citation of Official Notice does not negate the fact that Rothschild and *Ito* do not

associate the processing details with the type of patient and the nature of the ailment. Even if such patient information is stored together, there is not suggestion to extract image processing details in association with these parameters as claimed.

Claims 7 and 9-12 are patentable based on their dependency.

Claims 13-16 describe aspects of the invention that are not taught in the prior art.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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